

111<sup>th</sup> Congress

1<sup>st</sup> Session

H. RES. \_\_\_\_

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Providing for consideration of the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

February 24, 2009

Mr. McGovern, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed.

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**RESOLUTION**

Providing for consideration of the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

Sec. 2. House Resolution 158 is laid on the table.

Providing for consideration of the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

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February 24, 2009.-Referred to the House Calendar and ordered to be printed

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Mr. McGovern, from the Committee on Rules,  
submitted the following

#### REPORT

[To accompany H. Res. \_\_\_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

#### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1105, the "Omnibus Appropriations Act, 2009," under a closed rule. The resolution provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment printed in this report shall be considered as adopted and that the bill, as amended, shall be considered as read. The resolution waives all points of order against the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides one motion to recommit with or without instructions. Finally, the resolution lays on the table House Resolution 158.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of Section 302(f) of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority. Although the rule waives all points of order against the bill, as amended, the Committee is not aware of any points of order against the bill, as amended. The waiver is prophylactic.

## COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

### Rules Committee Record Vote No. 28

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Mr. Diaz-Balart

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment by Rep. Diaz-Balart, Lincoln (FL), #11, which would strike the section providing general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods, and would strike a section prohibiting the use of funds to administer, implement or enforce federal regulations on family travel to Cuba and the sale of agricultural goods to Cuba.

**Results:** Defeated 4-7

#### Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

## Rules Committee Record Vote No. 29

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Mr. Diaz-Balart

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment by Rep. Diaz-Balart, Lincoln (FL), #10, which would increase funding for Cuba democracy assistance programs by \$20 million, offsetting such funds from the general State Department budget.

**Results:** Defeated 4-7

### Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

## Rules Committee Record Vote No. 30

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Mr. Diaz-Balart

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment by Rep. Pence, Mike (IN), #4, which would prohibit the use of funds to be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in General Fairness Doctrine Obligations of Broadcast Licensees or any other regulations having the same substances.

**Results:** Defeated 4-7

### Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

## Rules Committee Record Vote No. 31

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Mr. Sessions

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment by Rep. Dent, Charles (PA), #17, which would provide that the total amount of discretionary appropriations provided in the FY2009 Omnibus Appropriations Act shall not exceed the FY08 funding levels by more than the percentage increase in the Consumer Price Index for All Urban Consumers during 2008 which amounts to 3.8%.

**Results:** Defeated 4-7

### Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

## Rules Committee Record Vote No. 32

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Mr. Sessions

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment by Rep. Schmidt, Jean (OH), #19, which would modify Department of Energy loan guarantee requirements pertaining to nuclear energy.

**Results:** Defeated 4-7

### Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

## Rules Committee Record Vote No. 33

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Dr. Foxx

**Summary of Motion:** To make in order en bloc and provide appropriate waivers for an amendment by Rep. Smith, Christopher (NJ), #12, which would require consistent application of the provision against funding for organizations that, as determined by the President, support or participate in the management of a program of coercive abortion or involuntary sterilization; and an amendment by Rep. Smith, Christopher (NJ), #13, which would limit population assistance to organizations that do not provide abortion or lobby for the legalization of abortion.

**Results:** Defeated 4-7

### Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY



## Rules Committee Record Vote No. 34

**Date:** February 24, 2009

**Measure:** H.R. 1105

**Motion By:** Dr. Foxx

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment by Rep. Goodlatte, Bob (VA), #6, which would prevent funds in the bill from being used to exercise the power of eminent domain to take private property from a private entity and give that property to another private entity, except for certain enumerated uses, such as highways, prisons, public utilities, and in cases of national emergencies or national disasters declared by the President.

**Results:** Defeated 4-7

### Vote by Member:

MCGOVERN                      NAY

HASTINGS

MATSUI                        NAY

CARDOZA

ARCURI                        NAY

PERLMUTTER                  NAY

PINGREE                      NAY

POLIS                         NAY

DREIER                        YEA

DIAZ-BALART                  YEA

SESSIONS                      YEA

FOXX                          YEA

SLAUGHTER                    NAY

**SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED**

The amendment would block the automatic cost-of-living adjustment due to be provided to Members of Congress in 2010.

**TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED**

**AMENDMENT TO H.R. 1105**

Page 1122, after line 5, add the following:

1        SEC. 103. Notwithstanding any provision of section  
2        601(a)(2) of the Legislative Reorganization Act of 1946  
3        (2 U.S.C. 31(2)), the percentage adjustment scheduled to  
4        take effect under any such provision in calendar year 2010  
5        shall not take effect.

